

CLOSED,TYPE I-FOIA

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:17-cv-02707-TSC**

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF  
DEFENSE et al  
Assigned to: Judge Tanya S. Chutkan  
Demand: \$0  
Cause: 05:552 Freedom of Information Act

Date Filed: 12/19/2017  
Date Terminated: 08/28/2019  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**AMERICAN OVERSIGHT**

represented by **Cerissa Cafasso**  
AMERICAN OVERSIGHT  
1030 15th Street, NW  
Suite B255  
Washington, DC 20005  
(202) 869-5244  
Fax: (202) 871-6523  
Email: [cerissa.cafasso@americanoversight.org](mailto:cerissa.cafasso@americanoversight.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**U.S. DEPARTMENT OF DEFENSE**

represented by **Matthew Evan Kahn**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-6718  
Email: [matthew.kahn@usdoj.gov](mailto:matthew.kahn@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jason Todd Cohen**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2523  
Fax: (202) 252-2599  
Email: [jason.cohen@usdoj.gov](mailto:jason.cohen@usdoj.gov)  
**TERMINATED: 09/13/2018**

**Defendant**

**U.S. DEPARTMENT OF THE AIR  
FORCE**

represented by **Matthew Evan Kahn**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jason Todd Cohen**  
(See above for address)  
**TERMINATED: 09/13/2018**

**Defendant**

**U.S. DEPARTMENT OF THE ARMY**

represented by **Matthew Evan Kahn**  
(See above for address)  
**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED****Jason Todd Cohen**

(See above for address)

**TERMINATED: 09/13/2018****Defendant****U.S. DEPARTMENT OF THE NAVY**represented by **Matthew Evan Kahn**

(See above for address)

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED****Jason Todd Cohen**

(See above for address)

**TERMINATED: 09/13/2018**

Date Filed	#	Docket Text
12/19/2017	<u>1</u>	COMPLAINT against ALL DEFENDANTS ( Filing fee \$ 400 receipt number 0090-5254661) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Civil Cover Sheet, # <u>10</u> Summons, # <u>11</u> Summons, # <u>12</u> Summons, # <u>13</u> Summons, # <u>14</u> Summons, # <u>15</u> Summons)(Cafasso, Cerissa) (Entered: 12/19/2017)
12/19/2017	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Cafasso, Cerissa) (Entered: 12/19/2017)
12/19/2017		Case Assigned to Judge Tanya S. Chutkan. (md) (Entered: 12/21/2017)
12/21/2017	<u>3</u>	SUMMONS (6) Issued Electronically as to U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF THE ARMY, U.S. DEPARTMENT OF THE NAVY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (md) (Entered: 12/21/2017)
01/04/2018	<u>4</u>	NOTICE of Appearance by Jason Todd Cohen on behalf of All Defendants (Cohen, Jason) (Entered: 01/04/2018)
01/18/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/28/2017. ( Answer due for ALL FEDERAL DEFENDANTS by 1/27/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF DEFENSE served on 12/27/2017; U.S. DEPARTMENT OF THE AIR FORCE served on 12/27/2017; U.S. DEPARTMENT OF THE ARMY served on 12/27/2017; U.S. DEPARTMENT OF THE NAVY served on 12/27/2017, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/28/2017. (Attachments: # <u>1</u> Exhibit A)(Cafasso, Cerissa) (Entered: 01/18/2018)
01/29/2018	<u>6</u>	Joint STATUS REPORT and Proposed Scheduling Order by U.S Department of Defense et al and by AMERICAN OVERSIGHT. (Cafasso, Cerissa) (Entered: 01/29/2018)
01/29/2018	<u>7</u>	AMENDED COMPLAINT against All Defendants filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I)(Cafasso, Cerissa) (Entered: 01/29/2018)
01/30/2018		MINUTE ORDER: Having considered the parties' Joint Status Report <u>6</u> , the parties shall adhere to the following deadlines: Defendants will file their Answer to the Amended Complaint by February 28, 2018. By no later than March 7, 2018, the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA requests, the anticipated number of documents responsive to Plaintiff's FOIA requests, the anticipated date(s)for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent

		issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and proposed order. Signed by Judge Tanya S. Chutkan on 1/30/18. (DJS) (Entered: 01/30/2018)
01/31/2018		Set/Reset Deadlines: Defendant's Answer to the Amended Complaint is due by 2/28/2018. Joint Status Report and Proposed Briefing Schedule are due by 3/7/2018. (jth) (Entered: 01/31/2018)
02/28/2018	<u>8</u>	ANSWER to <u>7</u> Amended Complaint, by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF THE ARMY, U.S. DEPARTMENT OF THE NAVY.(Cohen, Jason) (Entered: 02/28/2018)
03/07/2018	<u>9</u>	Joint STATUS REPORT by <i>U.S. Department of Defense et al.</i> and by AMERICAN OVERSIGHT. (Cafasso, Cerissa) (Entered: 03/07/2018)
03/08/2018		MINUTE ORDER: Having considered the parties' Joint Status Report [ <u>9</u> ], it is hereby ordered that the parties shall file another joint report by April 18, 2018. THE REPORT SHALL BE ACCOMPANIED BY A PROPOSED ORDER. Signed by Judge Tanya S. Chutkan on 3/8/18. (DJS) (Entered: 03/08/2018)
03/09/2018		Set/Reset Deadlines: Joint Status Report due by 4/18/2018. (tb) (Entered: 03/09/2018)
04/18/2018	<u>10</u>	Joint STATUS REPORT by <i>U.S. Department of Defense et al.</i> and by AMERICAN OVERSIGHT. (Cafasso, Cerissa) (Entered: 04/18/2018)
06/05/2018	<u>11</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order Submitted by American Oversight)(Cafasso, Cerissa) (Entered: 06/05/2018)
06/13/2018		MINUTE ORDER: A Status Conference is hereby set for 7/9/18 at 10:45 am in Courtroom 9. Signed by Judge Tanya S. Chutkan on 6/13/18. (DJS) (Entered: 06/13/2018)
06/13/2018		Set/Reset Hearings: Status Conference set for 7/9/2018 at 10:45 AM in Courtroom 9 before Judge Tanya S. Chutkan. (tb) (Entered: 06/13/2018)
07/09/2018		MINUTE ORDER: The Status Conference currently set for 7/9/18 is hereby rescheduled for 7/16/18 at 11:30 am in Courtroom 9. Signed by Judge Tanya S. Chutkan on 7/9/2018. (lctsc2). (Entered: 07/09/2018)
07/10/2018		Set/Reset Hearings: Status Conference reset for 7/16/2018 at 11:30 AM in Courtroom 9 before Judge Tanya S. Chutkan. (tb) (Entered: 07/10/2018)
07/16/2018		Minute Entry: Status Conference held on 7/16/2018 before Judge Tanya S. Chutkan: Joint Status Report due by 8/31/2018. Status Conference set for 9/17/2018 at 10:00 AM in Courtroom 9 before Judge Tanya S. Chutkan. (Court Reporter Bryan Wayne) (tb) (Entered: 07/16/2018)
08/23/2018	<u>12</u>	Unopposed MOTION for Extension of Time to <i>Submit Joint Status Report</i> by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Text of Proposed Order)(Cafasso, Cerissa) (Entered: 08/23/2018)
08/24/2018		MINUTE ORDER: Granting <u>12</u> Unopposed Motion for Extension of Deadlines. Joint Status Report and proposed order due September 5, 2018. Signed by Judge Tanya S. Chutkan on 8/24/18. (DJS) (Entered: 08/24/2018)
08/27/2018		Set/Reset Deadlines: Joint Status Report and Proposed Order due by 9/5/2018. (jth) (Entered: 08/27/2018)
09/05/2018	<u>13</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Text of Proposed Order)(Cafasso, Cerissa) (Entered: 09/05/2018)
09/13/2018	<u>14</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Matthew Evan Kahn on behalf of U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF THE ARMY, U.S. DEPARTMENT OF THE NAVY Substituting for attorney Jason Cohen (Kahn, Matthew) (Entered: 09/13/2018)
09/14/2018		Set/Reset Hearings: Status Conference reset for 9/17/2018 at 11:30 AM in Courtroom 9 before Judge Tanya S. Chutkan. (tb) (Entered: 09/14/2018)

09/17/2018		Minute Entry: Status Conference held on 9/17/2018 before Judge Tanya S. Chutkan: The government is required to produce 109,000 documents. Joint Status Report due by 11/2/2018. (Court Reporter Bryan Wayne) (tb) (Entered: 09/17/2018)
10/31/2018	<u>15</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF THE ARMY, U.S. DEPARTMENT OF THE NAVY. (Kahn, Matthew) (Entered: 10/31/2018)
11/08/2018		MINUTE ORDER: Having considered the parties' joint status report <u>15</u> , it is hereby ordered that the parties shall file another joint report by 12/3/18. The joint report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 11/8/18. (DJS) (Entered: 11/08/2018)
11/09/2018		Set/Reset Deadlines: Joint Status Report due by 12/3/2018. (tb) (Entered: 11/09/2018)
11/13/2018		Set/Reset Deadlines: Joint Status Report due by 12/3/2018. (tb) (Entered: 11/13/2018)
12/03/2018	<u>16</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF THE ARMY, U.S. DEPARTMENT OF THE NAVY. (Kahn, Matthew) (Entered: 12/03/2018)
01/29/2019	<u>17</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Text of Proposed Order)(Cafasso, Cerissa) (Entered: 01/29/2019)
02/26/2019	<u>18</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Text of Proposed Order)(Cafasso, Cerissa) (Entered: 02/26/2019)
02/27/2019		MINUTE ORDER: Having considered the parties' joint status report <u>18</u> , it is hereby ordered that the parties shall file another joint report by 4/15/19 and every 60 days thereafter. To the extent the report contains a proposed production/briefing schedule, the report shall include a proposed order. Signed by Judge Tanya S. Chutkan on 2/27/19. (DJS) (Entered: 02/27/2019)
03/01/2019		Set/Reset Deadlines: Joint Status Report due by 4/15/2019. (tb) (Entered: 03/01/2019)
04/15/2019	<u>19</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF THE ARMY, U.S. DEPARTMENT OF THE NAVY. (Kahn, Matthew) (Entered: 04/15/2019)
06/13/2019	<u>20</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF THE ARMY, U.S. DEPARTMENT OF THE NAVY. (Kahn, Matthew) (Entered: 06/13/2019)
07/17/2019	<u>21</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF THE AIR FORCE, U.S. DEPARTMENT OF THE ARMY, U.S. DEPARTMENT OF THE NAVY. (Kahn, Matthew) (Entered: 07/17/2019)
08/13/2019	<u>22</u>	NOTICE of Voluntary Dismissal by AMERICAN OVERSIGHT (Cafasso, Cerissa) (Entered: 08/13/2019)
08/27/2019	<u>23</u>	ORDER OF DISMISSAL: Dismissing action without prejudice. Signed by Judge Tanya S. Chutkan on 8/27/19. (DJS) (Entered: 08/27/2019)